

Message Text

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PAGE 01 CARACA 04088 032138Z
ACTION SNM-05

INFO OCT-01 ARA-10 ISO-00 OES-07 L-03 CG-00 DOTE-00
SS-15 NSC-05 PM-05 COME-00 CIAE-00 INR-10 NSAE-00
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R 032100Z MAY 78
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC 2148

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E.O. 11652: N/A
TAGS: SNAR EEWT VE
SUBJECT: U.S. COAST GUARD SEIZURES OF VENEZUELAN REGISTERED
VESSEL

REF: STATE 110039

1. EMBASSY PLEASED TO LEARN DEPARTMENT NOW ADDRESSING THE
PROBLEM OF SEIZURES OF VESSELS ON THE HIGH SEAS IN THE CONTEXT
OF THOSE COUNTRIES WHOSE VESSELS HAVE BEEN ENGAGED IN
NARCOTICS TRAAFFICKING.

2. IN THE CONTEXT OF VENEZUELA, EMBASSY WOULD LIKE TO MAKE
THE FOLLOWING POINTS TO REINFORCE CARACAS 3262. IN THE FIRST
PLACE, THE EMBASSY DOUBTS THAT THE GOV WILL GRANT THE USG A
BLANKET CLEARANCE TO BOARD AND SEARCH VENEZUELAN REGISTERED
VESSELS ON THE HIGH SEAS. IF A PROCEDURE IS WORKED OUT
BETWEEN OUR TWO GOVERNMENTS FOR SUCH ACTION, EMBASSY BELIEVES
GOV WILL STILL WANT TO BE NOTIFIED IN EACH CASE BEFORE
BOARDING TAKES PLACE. SECOND, EMBASSY SUSPECTS
(BUT WE DO NOT KNOW WITH CERTAINTY) THE VENEZUELAN
NARCOTICS LAWS MAY BE TOO VAUGE TO ALLOW GOV TO PROSECUTE
VENEZUELAN REGISTERED VESSELS FOUND TO BE CARRYING
NARCOTICS ON THE HIGH SEAS. IT IS ALSO POSSIBLE THAT A
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SEIZURE BY ANOTHER GOVERNMENT AS AGENT AS AGENT MAY BE LEGALLY
DEFECTIVE OR NOT VALID UNDER VENEZUELAN LAW. IF TRUE,
THIS WILL PROBABLY MEAN THAT GOV, ALTHOUGH IT WISHES TO
COOPERATE ON NARCOTICS MATTERS, MAY, ALBEIT RELUCTANTLY,
DECIDE THAT IT CANNOT AGREE TO HAVE VENEZUELAN REGISTERED
VESSELS SIZED ON THE HIGH SEAS OR ITS BEHALF BECAUSE
THERE ARE NOT SUFFICIENT GROUNDS FOR PROSECUTION. THIRD,

WE MUST BEAR IN MIND THAT EACH TIME A VENEZUELAN VESSEL IS TOWED INTO A US PORT, THE VENEZUELAN WOULD BE OBLIGED TO TAKE STEPS TO BRING THAT VESSEL BACK TO A VENEZUELAN PORT OR REACH SOME SORT OF AGREEMENT WITH USG FOR ITS DISPOSAL. GOV MAY NOT WISH TO DEVOTE SCARCE RESOURCES TO RECOVERY ACTIVITY ON A RECURRING BASIS AND WILL PROBABLY BE RELUCTANT TO TURN OVER VENEZUELAN REGISTERED VESSELS FOR DISPOSAL. ALSO, EMBASSY CAN GUARANTEE THAT GOV WILL BALK AT PAYING STORAGE CHARGES FOR VENEZUELAN REGISTERED VESSELS WHILE IN A US PORT.

3. TURNING TO THE QUESTION OF OPERATIONAL FRAMEWORK, EMBASSY BELIEVES THAT, IF GOV AGREES TO SOME SORT OF PROCEUDRE, IT COULD BE PEGGED TO EITHER THE SINGLE CONVENTION OR THE MARCH 28, 1978, MEMORANDUM OF UNDERSTANDING.
VAKY

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